

HCS HB 1795 -- DEPARTMENT OF NATURAL RESOURCES

SPONSOR: Ruzicka

COMMITTEE ACTION: Voted "do pass" by the Committee on Tourism and Natural Resources by a vote of 13 to 0.

This substitute changes the laws regarding recycling targets for newspapers, the State Parks Earning Fund, solid waste landfill fees, environmental control rules, Safe Drinking Water Act fees, and asbestos abatement and establishes the Renewable Energy Pilot Program for State Parks.

RECYCLING TARGETS FOR NEWSPAPER PUBLISHERS (Sections 34.032 and 260.255, RSMo)

Currently, newspaper publishers with an average daily distribution of greater than 15,000 copies are required to meet targeted recycled content usage each year and to report to the Department of Natural Resources the total number of tons of newsprint used during the past year and if it met the recycle target or why it failed to do so. The substitute repeals this requirement.

STATE PARK EARNINGS FUND (Section 253.090)

The State Treasurer is authorized to deposit all of the moneys in the State Park Earnings Fund in any of the qualified depositories of the state and requires all these deposits to be secured in a manner provided by law relative to state deposits. Any interest earned on these deposits must be credited to the fund.

SOLID WASTE LANDFILL FEES (Section 260.330)

Currently, the Department of Natural Resources cannot make an annual adjustment to the fees charged to solid waste sanitary landfills or transfer stations from October 1, 2005, to October 1, 2014, except for an adjustment in the amount needed to fund the operating costs of the department. The substitute specifies that no annual adjustment can be made beyond October 1, 2005, except for an adjustment in the amount needed to fund the operating costs of the department.

ENVIRONMENTAL CONTROL RULES (Section 260.373)

The Hazardous Waste Commission is authorized to establish standards and guidelines through rules and regulations to ensure Missouri is in compliance with the federal Resource Conservation and Recovery Act (RCRA). The guidelines and standards cannot be any stricter than those required under Subtitle C of the RCRA.

The commission may decide not to adopt certain federal rules that are not necessary to maintain its delegated authorization to administer and enforce a hazardous waste program in lieu of the federal program and may develop rules to implement statutes when they expressly prescribe standards or requirements that are stricter than the federal requirements; implement requirements prior to any federal requirements; or allow the establishment or collection of fees, costs, or taxes. The commission may retain, modify, or repeal any current rules relating to thresholds for determining the class of a hazardous waste generator, descriptions of applicable registration or reporting periods, and reporting of hazardous waste activities to the Department of Natural Resources.

By July, 31, 2014, the department must identify rules in Title 10, Division 25 of the Code of State Regulations that establish standards or guidelines that are stricter than or implement requirements prior to those required under Subtitle C of RCRA and file amendments with the Secretary of State to eliminate those provisions. On July 31, 2016, any rule in Title 10, Division 25 that establishes standards that are stricter than required under Subtitle C of the RCRA will be null and void. The department must then modify any permit containing requirements no longer in effect. The department is prohibited for selectively excluding any or part of a rule of the commission from any authorization package or program revision submitted to the United States Environmental Protection Agency.

SAFE DRINKING WATER ACT FEES (Section 640.100)

The provisions authorizing the Department of Natural Resources to impose fees for the implementation, administration, and enforcement of the federal Safe Drinking Water Act are extended from September 1, 2012, to September 1, 2017.

RENEWABLE ENERGY PILOT PROGRAM FOR STATE PARKS (Section 640.950)

The Renewable Energy Pilot Program for State Parks is established which requires the Department of Natural Resources, in consultation with the Missouri Public Service Commission, to develop and implement a pilot program with the goal of achieving 100% energy use from renewable energy resources in a department-selected state park by August 28, 2018. The department must attempt to use as many energy-efficient products as possible within the park.

Beginning August 28, 2012, the department must annually submit a report to the General Assembly documenting progress toward the goal and proposing alternative suggestions until the pilot project is complete.

ASBESTOS ABATEMENT (Section 643.225)

Certain businesses that regularly engage in asbestos abatement at their locations are exempted from certain asbestos-related state requirements if they are subject to specified federal laws relating to construction work and asbestos. The exemption applies to state requirements for the certification of certain individuals for asbestos-related work, accreditation for asbestos-related training programs, registration as an asbestos abatement contractor, and notification of the Department of Natural Resources for certain size asbestos abatement projects.

To receive the exemption, a business must submit to the department director information about its asbestos-related employee training to meet federal requirements and the type of asbestos abatement projects which constitute its normal operations. If the department determines that the entity does not qualify for the exemption, it may deny the exemption but must notify the entity of the denial within 180 days of the receipt of the application. An entity whose exemptions is denied may appeal to the commission within 30 days of the notice of denial.

An exempted entity must submit a one-time fee of \$250 and must submit documentation of any significant changes as they occur in its asbestos-related training program. An entity that is approved for an exemption before August 28, 2012, will exempt from the fee but must submit any significant changes as they occur in its training program.

A representative of the department must be allowed, without prior notice, to attend, monitor, and evaluate any asbestos-related training program of an exempted entity.

FISCAL NOTE: Estimated Net Cost on General Revenue Fund of \$66,000 in FY 2013, \$52,000 in FY 2014, and \$37,000 in FY 2015. Estimated Net Income on Other State Funds of \$0 to \$3,833,333 in FY 2013, \$0 to \$4,600,000 in FY 2014, and \$0 to \$4,600,000 in FY 2015.

PROPOSERS: Supporters say that the tipping fee for landfills was originally allowed to be increased annually to help promote recycling. Since most communities now recycle, the ability to annually increase the fee is no longer needed. Bordering states have lower tipping fees which has caused some trash companies to haul trash to landfills across the border.

Testifying for the bill were Representative Ruzicka; Environmental Industry Associations; Derrick Standley, Waste Corp of Missouri; Environmental Federation of Missouri; IESI Corporation; Waste Management, Incorporated; and Sunny Solid

Waste Service, Incorporated.

OPPONENTS: Those who oppose the bill say that the fee supports many useful programs such as cleaning up illegal dump sites, household hazardous waste collections, and school hazardous waste clean outs. In many rural communities, there is no other source of funding for these programs.

Testifying against the bill were Michael Shaw, Solid Waste Advisory Board; Jim Roehl, South Central Solid Waste Management District; and Angela Gehlert, Missouri Recycling Association.